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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,905	09/15/2003	Jean-Jacques Vandewalle	032326-273	7036

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EXAMINER

RECEK, JASON D

ART UNIT	PAPER NUMBER
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2109

MAIL DATE	DELIVERY MODE
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06/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/665,905

Applicant(s)

VANDEWALLE ET AL.

Examiner

Jason Recek

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to application no. 10/665905 filed on September 15, 2003 in which claims 1-6 are presented for examination.

Status of Claims

Claims 1-6 are currently pending of which claims 1, 4 and 6 are in independent form.

Claims 1-3 are currently rejected under 35 U.S.C. 112 second paragraph.

Claims 1-3 and 6 are currently rejected under 35 U.S.C. 102(b).

Claims 4-5 are currently rejected under 35 U.S.C. 103(a).

Priority

1. If applicant desires to claim the benefit of a prior-filed application under 35 U.S.C. 120, a specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the specification following the title or in an application data sheet. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications.

If the instant application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during

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the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Specification

2. The title is objected to because of the following informalities: it begins with an article. The articles "a", "an", and "the" should not be included as the first words of the title, see MPEP 606. Appropriate correction is required.

3. The disclosure is objected to because of the following informalities: the wording "continue to do communicate" is not proper English (pg. 5 line 27). Neither are the phrases "exclusively the form of byte level" (pg. 5 line 30), "forces programmer's to design" (pg. 6 line 1) and "once and object" (pg. 10 line 1). Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 1 recites the limitation "said reply" in section (d). There is insufficient antecedent basis for this limitation in the claim. Claim 1 recites a "process level return" but does not use the term "reply".

Claim 2 recites the limitation "said process call level requests and replies" in line

1. There is insufficient antecedent basis for this limitation in the claim. Claim 1 recites a "process level return" not a process level reply.

Claim 3 is rejected for depending from a rejected claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sun Microsystems, Inc. [Java Distributed Object Model (JDOM)], February 10, 1997, pages 1-22.

Regarding claim 1, JDOM discloses "first and second object oriented virtual machines running on counterpart first and second computers" as Java Virtual Machines on different hosts (Pg. 5), "a communication path connection between said computers" as a transport layer (Pg. 17, 20), "a run-time environment" as Java, "a local object at the client machine operable as a proxy to a remote object resident at the server" as a client using a stub object to interact with a remote object (Pg. 10) and more specifically a Remote Method Invocation system that consists of client-side proxies (Pg. 16), "referencing the local object by an application executing at the client machine" as an application layer (Pg. 16, and Figure on Pg. 17), "causing the local object to marshal parameters" as marshalling arguments (Pg. 18), "and send a process level call request to the server machine" as initiating or invoking a call to the remote object (Pg. 18), "server machine's run time environment [...] causing the parameters in the request to become unmarshaled" as a skeleton for a remote object which is a server-side entity that unmarshals arguments (Pg. 18), "said remote object to be executed" as implementing the remote object (Pg. 18) and possibly executing in separate threads (Pg. 21), "results of the execution marshaled, and a process level return sent to the client machine" as marshaling the return value of the call onto the marshal stream (Pg.

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18, 19), "responsive to said reply [...] unmarshaling the results" as client-side unmarshaling the return value or exception (Pg. 18).

Regarding claim 2, JDOM discloses "wherein said process call level requests and replies are generated in an alternating manner" as a system in which the client calls the server then the server replies (Pg. 18).

Regarding claim 3, JDOM discloses "wherein the local object when operating as a proxy at the client machine and the run-time environment when operating at the server machine perform respectively as stubs" as a Remote Method Invocation system that uses stubs (Pg. 2, 10, 16-18).

Regarding claim 6, it is a computer product that contains the method of claim 1. JDOM discloses claim 1 and inherently would be contained on a similar computer product, thus JDOM also teach claim 6.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over JDOM in view Applicant admitted Prior Art (APA).

Claim 4 corresponds to the method of claim 1 which is disclosed by JDOM.

Claim 4 further recites "said communication path being operable under a process for originating and sending byte level messages", JDOM does not disclose byte level messages however APA does teach processing methods and messages exclusively in the form of byte level strings (Pg. 5 In 5-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention that the communication mechanism of JDOM could have been implemented using byte level messages. The motivation for doing so would be to communicate with programs that have already defined APDU's (Pg. 5 In 5-8).

Regarding claim 5, JDOM discloses "wherein [...] the local object is an interface description" as a client proxy applet (Pg. 27-28). JDOM does not disclose "wherein the remote object is an applet" however the APA teaches Server Applets (Pg. 5, In. 16-18).

It would have been obvious to combine JDOM with server applets. The motivation for doing so would be to listen to the client.

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gartner et.al. US Pat. No. 5,822,521 teaches an object proxy.

Hamilton et al. US Pat. No. 5,640,564 teaches marshaling and unmarshaling.

Khalidi et al. US Pat. No. 5,566,302 teaches marshal, unmarshal and proxy.

Khoyi et al. US Pat. No. 5,421,015 teaches invocations and byte strings.

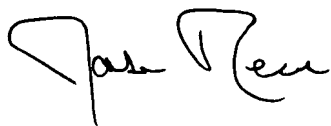
Simor US Pat. No. 5,060,150 teaches virtual machines.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Recek whose telephone number is (571) 270-1975. The examiner can normally be reached on Mon - Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason Recek
6/22/07


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